

**From:** Mike Everett-Lane  
**To:** Microsoft ATR  
**Date:** 1/25/02 2:03pm  
**Subject:** Microsoft Settlement

To: Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice  
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Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. Specifically, I would like to address the veto against open source programming.

Open source programming is one of the most important revolutions in computer science. The Internet has enabled programmers from across the globe to create software collaboratively. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet "reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business." This effectively gives Microsoft a veto over sharing any information with open source development projects, because Open Source projects are usually performed by volunteers, and therefore would not be considered authentic, or viable businesses. This will have a chilling effect on Open Source development -- which in turn will reduce competition and halt the creation of new software. I cannot see how this would benefit consumers. The DOJ should revise its settlement, so that Microsoft cannot discriminate between for-profit and nonprofit groups in API disclosure.

Sincerely,

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